

Cushner & Associates, P.C.
Attorneys for Debtor
399 Knollwood Road, Suite 205
White Plains, New York 10603
Todd S. Cushner, Esq.
(914) 600-5502
todd@cushnerlegal.com

Hearing Date: April 18, 2024
Hearing Time: 10:30 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 13
Case No. 23-12057(PB)

ANGELO GRILLO
a/k/a ANDY GRILLO,

Debtor.

-----X

DEBTOR’S OPPOSITION TO MOTION SEEKING SANCTIONS AGAINST THE DEBTOR

**TO: THE HONORABLE PHILIP BENTLEY,
UNITED STATES BANKRUPTCY JUDGE:**

The opposition of Angelo Grillo a/k/a Andy Grillo, the above-captioned Debtor (“Debtor” or “Andy Grillo”), by his attorney, Cushner & Associates, P.C., in response to the motion of the Debtor’s ex-wife, Roseann Grillo, (“Roseann Grillo” or “Movant”), dated April 16, 2024 [Docket No. 34] (the “Motion”), seeking sanctions against the Debtor pursuant to Bankruptcy Rule 9011, respectfully represents and sets forth as follows:

1. In the Motion, the Movant cites several inadvertently stated facts on the Debtor’s Schedules. The explanation for any such mistakes made by the Debtor is that the Debtor’s petition was prepared on an expedited basis. Any such mistakes were not made with the intention of deceiving the Court or any of the Debtor’s creditors, and the Debtor intended to file amended Schedules with the Court. The Debtor has creditors other than Roseann Grillo and planned to add said creditors to amended Schedules. The Debtor attempted to transfer venue to

Florida and filed the Venue Motion. The Debtor intended to dispute the claim of Roseann Grillo, which he believes were supported by existing law. The Debtor did not succeed in transferring venue, did not amend his Schedules, and did not dispute the claim of Roseann Grillo because the Debtor instead chose to withdraw his Chapter 13 case and filed a Notice of Voluntary Dismissal on March 8, 2024 [Docket No. 27].

2. Based upon the foregoing, the Debtor asserts that his case was not filed in “bad faith” as alleged in the Motion. Under the existing circumstances, the Debtor’s case should simply be dismissed and sanctions should not be imposed because the Debtor had no bad intent and his actions in the Chapter 13 case were not egregious and do not meet the standards for the imposition of sanctions.

WHEREFORE, it is respectfully requested that the Motion be denied in its entirety, together with such other and further relief as the Court deems just and proper under the circumstances.

Dated: White Plains, New York
April 16, 2024

Cushner & Associates, P.C.
Attorney for the Debtor
By: /s/ Todd S. Cushner
399 Knollwood Road, Suite 205
White Plains, New York 10603
(914) 600-5502
todd@cushnerlegal.com